

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Tony Hammond, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Competitive Product Prices
Priority Mail Contract 153 (MC2016-17)
Negotiated Service Agreement

Docket No. CP2016-23

ORDER DENYING AS MOOT MOTION FOR LATE ACCEPTANCE

(Issued November 28, 2018)

On November 26, 2018, the Postal Service filed a motion for late acceptance of a notice of extension of Priority Mail Contract 153.¹ The Agreement's terms permit extensions, provided the Postal Service gives the Commission notice of the extension at least seven days prior to expiration.² The contract is set to expire on December 3, 2018.³ The Postal Service moves for late acceptance of its notice, citing an "internal miscommunication over the holiday weekend regarding the contract's expiration date"

¹ USPS Motion for Late Acceptance of Notice of Extension of Priority Mail Contract 153, November 26, 2018 (Motion). See also USPS Notice of Extension of Priority Mail Contract 153, November 26, 2018 (Notice).

² Docket Nos. MC2016-17 and CP2016-23, Request of the United States Postal Service to Add Priority Mail Contract 153 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, November 20, 2015, Attachment B at 4 (Request).

³ Docket Nos. MC2016-17 and CP2016-23, Order Adding Priority Mail Contract 153 to the Competitive Product List, December 2, 2015, at 9 (Order No. 2846). The Postal Service instead states that the expiration date of the agreement is December 2, 2018. Motion at 1. By its terms, the contract took effect December 4, 2015, two business days after the issuance of Order No. 2846. See Request, Attachment B at 4. It is set to expire three years after that effective date, which is December 3, 2018. See *id.*

as the cause for the delay. Motion at 1. The Postal Service submits that no party has been materially prejudiced by the delay. *Id.*

As discussed in Order No. 4866, the Postal Service may activate a contract's extension clause by filing notice with the Commission at least seven days prior to the contract's expiration date.⁴ Here, the Notice was filed on November 26, 2018, seven days prior to the contract's December 3, 2018 expiration date. The Notice was thus timely filed. Accordingly, the Commission denies the Motion as moot.

It is ordered:

The USPS Motion for Late Acceptance of Notice of Extension of Priority Mail Contract 153, filed November 26, 2018, is denied as moot.

By the Commission.

Stacy L. Ruble
Secretary

⁴ Docket No. CP2017-253, *et al.*, Order Approving Modifications and Providing Guidance Regarding Extending Negotiated Service Agreements, October 30, 2018 at 3 (Order No. 4866).